

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 7, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of June 30, 2003, reported having done so, found same correct.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

STATE OF THE CITY

Mayor Coleen J. Seng gave the State of the City Address. A copy of the speech is on file in the City Clerk's Office with the 2003-2004 Budget File. (54)

PUBLIC HEARING

APPLICATION OF ZOO LIMITED, INC. DBA ZOO BAR FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA GENERALLY LOCATED AT N STREET, 13TH TO 14TH STREETS AND THE SHARP BUILDING PARKING LOT AT 14TH AND N STREETS ON JULY 11, 2003 FROM 4:00 P.M. TO 1:00 A.M. AND ON JULY 12, 2003 FROM NOON TO 1:00 A.M. - Tad Frazier, Attorney, and Pete Watters, representing the Zoo Bar, came forward to explain The Zoo Bar is celebrating its 30th Anniversary and will be having a Jazz festival on this upcoming weekend. Councilwoman McRoy asked if there will be access to the businesses in this area due to the festival. Mr. Frazier stated there will be access. This matter was taken under advisement.

APPLICATION OF HEIDELBERG SOUTH, INC. DBA HEIDELBERG'S SOUTH FOR A CLASS C LIQUOR LICENSE AT 1601 NORMANDY COURT;
MANAGER APPLICATION OF LAWRENCE L. LIND FOR HEIDELBERG SOUTH, INC. DBA HEIDELBERG'S SOUTH AT 1601 NORMANDY COURT - Lawrence L. Lind, 2654 So. 40th Street, John and Holly McManus, 6771 Wild Rye Rd. all came forward, and took the oath to answer potential questions. This matter was taken under advisement.

SPECIAL PERMIT 2014 - APPLICATION OF REGAL BUILDING SYSTEMS, INC. TO DEVELOP NORTHVIEW VILLAS COMMUNITY UNIT PLAN FOR 61 MULTI-FAMILY DWELLING UNITS IN 7 STRUCTURES, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET BETWEEN DODGE AND SUPERIOR STREETS - Brian Carstens, 601 Old Cheney Rd., Suite C, representing Regal Building Systems, came forward to explain the development at 14th & Dodge Streets. Marty Fortney, 2610 Park Blvd, representing Regal Buildings Systems, came forward to explain the original intent was to do senior housing. Now the market saturation shows this is well taken care of and his company plans to build condominiums for first time home buyers. Mark Hunzeker, 530 S. 13th St., Suite B, representing Regal Buildings, came forward and stated that this plan is in conformance with the goals and objectives of the Comprehensive Plan; this complies with the existing zoning and design standards. The only objection that has been made is that you eliminate condition 1.1.7 on page 5 of the fact sheet, which is a requirement for sidewalks along both sides of all the internal driveways. Rick Boyte, 2455 Northline Ct., came forward in opposition to this project. Jodi Benedict, 4049 Paxton Drive, came forward in opposition to this project. Jamie Gress, 2041 Hedge Apple Court, came forward in opposition. Carol Brown, 2201 Elba Circle, representing Landon's Neighborhood, came forward in opposition. Glen Cekal, 1420 C Street, came forward in opposition. Bob Valentine, 2660 Park Ave., came forward in opposition.

Randy Hoskins, City Traffic Engineer, came forward to explain the situation about the traffic in this particular area. We studied the number of trips that would be generated by 61 apartments and it would be 34 trips in the morning peak hour and 52 trips during the afternoon peak hour. The elderly housing would have produced about 35 trips in the morning peak hour and 39 trips in the afternoon peak hour. The basic increase would be about one car per minute. Discussion ensued with Council Members and Mr. Hoskins about various solutions to the traffic problems in this area.

Marvin Krout, Director of Planning Dept., came forward to offer his comments. He handed out the site plan that was approved in 2002. There are three times as many units in the existing proposed community unit plan, it is just that each one of those units generates about one-third of the traffic. A single family does generally generate more traffic per unit than a duplex or a townhouse. Mr. Hoskins is correct in saying there is not a substantial difference between any of those alternatives in terms of the levels of traffic that we can see. The Comprehensive Plan does promote a higher density because it is a mix of different kinds of housing because it is more efficient in the use of tax dollars.

Carol Brown returned again and commented that when Landon's Neighborhood negotiated with Lincoln Federal, this plan was given to them and the zoning was changed from R-3 to R-4. The neighbors were not in favor of the R-4 zoning until this plan was presented to them. Councilman Werner questioned the approval of this plan. Ms. Brown responded by saying this approval should be in the Planning Minutes.

Mr. Fortney returned for comments. He was not sure where this plan came from, it could have been an earlier rendition.

Councilwoman McRoy clarified that we have in front of us the minutes from the Feb. 2000 meeting that discussed the Special Permits 1820 and 1821, so that is where your map came from. Ms. Brown informed the Council that the Landon's and Regalton Neighborhood Associations have filed for a change of zone back to R-2 for this piece of property because of the fact that we do not know what is happening to this parcel of land, so we want it zoned back to R-2 so we have a little more density there and less traffic. We want a reasonable plan that fits into the neighborhood and all of our concerns.

Mr. Hunzeker returned for rebuttal and clarified that the plan Mr. Krout circulated, is the plan that has been approved. We are reducing the total number of units here from 188 to 61, so the increase in traffic of this plan, over the approved plan, does reflect a substantial number of additional trips per unit.

Councilman Werner asked about the landscaping. Mr. Hunzeker replied that the landscaping plan meets all design standards. Council Chair Camp asked Mr. Hunzeker about the access to North 26th Street. Mr. Hunzeker replied that if the Council thought it would be necessary, it could be added as a condition, that would still need to be negotiated. Mr. Camp also asked about the possibility of adding ten more parking spaces. Mr. Hunzeker showed the available areas for the additional parking on the site plan.

Councilman Cook asked Mr. Fortney about the brochures that showed various types of housing for this area. Mr. Fortney replied that he usually visited with his customers about the planned area, but that there is no guarantee what will be built here. Mr. Cook also asked why they did not have a neighborhood meeting. Mr. Fortney said they did last week.

Councilman Werner asked if Mr. Fortney was suggesting a delay on this project. Mr. Hunzeker replied that if this was delayed by two weeks, we would also like to see the proponents of the down-zoning delay their application by a similar period and they are at this point unwilling to do that. Councilman Svoboda noted that an interoffice memo from the Law Dept. recommended not to delay this item today. Mr. Hunzeker wanted to make it clear that they were not seeking a deferral at this point.

This matter was taken under advisement.

DEDICATION OF PUBLIC STREETS AND PRIVATE ROADWAYS BE REVIEWED BY THE PLANNING COMMISSION, ON PROPERTY GENERALLY LOCATED AT W. SOUTH STREET AND S. CODDINGTON AVE. - Brian Carstens, 601 Old Cheney Rd., Suite C, representing Gene Schmidt, came forward to explain the development that is proposed on W. South Street. We are proposing to create a single lot for the existing home to remain, move an existing barn and construct 22 new units consisting of one duplex and five four-plex buildings. We have had meetings with the West A Neighborhood and we have come to a consensus. Councilman Cook stated he was concerned with the large lot with the big house on it and what would prohibit them in the future from coming in for a change of zone? Mr. Carstens responded they would have to apply for a change of zone to keep that size lot or to change the building plans.

Councilman Friendt asked Mr. Carstens to explain why they are requesting the waivers for lot depth, etc. Mr. Carstens explained that for duplex and townhome units in the R-3 zone, a duplex requires 50' of width. This has been a typical practice on these Community Unit Plans.

Councilman Cook asked about the fence and sidewalk agreement. What if this owner of this entire parcel were to just sell you this portion, you were to put in what is allowed under the current zoning and not do a CUP with the expectation that at some future time the house would be developed? Mr. Carstens stated they didn't have those types of discussions. He also informed Council that there is a sidewalk to the west side that leads back to the school. Mr. Cook asked how many parking spaces were available per unit. Mr. Carstens answered that they are all two stall garages and 2 parking stalls on each driveway, and an additional 8 stalls in a parking magazine.

Councilman Werner asked where the fence would be located. Mr. Carstens stated it would be along the north side of the buildings, just to the south side of the trees that are shown. He indicated that the neighbors to the north had requested that. Mr. Werner also asked about the bike path. Mr. Carstens reported that the current school site has a 6' high chain link fence, so the kids will have to go around to the opening to get into the school.

Bill Vocasek, 1903 W. Mulberry Ct., representing West A Neighborhood Association, came forward in opposition to this matter.

Craig Groat, 4935 Huntington St., came forward in opposition.

Council Chair Camp asked Randy Hoskins, Traffic Engineer, to come forward to answer questions. Mr. Camp asked about the validity of the green book for the Transportation Industry. Mr. Hoskins stated the green book is the American Association of State Transportation and Highway Officials and is considered the design bible for streets and highways throughout the country. It was updated in the year 2000.

Gene Schmidt, 2105 S. Coddington Street, owner of the property, came forward in favor of this matter. Councilwoman McRoy asked about the future of the land. Mr. Schmidt stated he plans to live there as long as possible. Councilman Cook asked if he would be agreeable to a covenant or restrictions that would bind the property. Mr. Schmidt indicated he would not agree to that.

Mr. Carstens returned for rebuttal. He indicated that this project did receive unanimous approval from the Planning Commission.

Councilman Svoboda asked how many single family units might go on that parcel of land should it go single family? Mr. Carstens stated that they were working with existing zoning and a CUP, so that was not a consideration.

This matter was taken under advisement.

3:32 P.M. COUNCIL BREAK

3:45 P.M. RECONVENED

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 S St., came forward to present property evaluation comparisons of his house to others in the neighborhood. He commented that the Assessor does not have his lot size correct or the fact that he does indeed have a garage as well. Councilman Cook suggested he take his comments to the County Assessor. Mr. Morosin said he has planned to do so in his property evaluation hearing the next day.

Craig Groat, 4935 Huntington Avenue, came forward to comment on the city not having changed the bleachers at various city parks. He considers them to be dangerous and not abiding by regulations that are safe for consumers.

Glen Cekal, 1420 C St., came forward to reiterate some of Mr. Morosin's and Mr. Groat's comments. Due to Mr. Cekal's language, Chairperson Camp asked Mr. Cekal to end his comments.

These matters were taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF ZOO LIMITED, INC. DBA ZOO BAR FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA GENERALLY LOCATED AT N STREET, 13TH TO 14TH STREETS AND THE SHARP BUILDING PARKING LOT AT 14TH AND N STREETS ON JULY 11, 2003 FROM 4:00 P.M. TO 1:00 A.M. AND ON JULY 12, 2003 FROM NOON TO 1:00 A.M. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82183 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zoo Limited, Inc. d/b/a "Zoo Bar" for a Special Designated License to cover an area measuring approximately 350 feet by 100 feet in N Street, 13th to 14th Streets and an area measuring approximately 200 feet by 150 feet in the Sharp Building parking lot at 14th and N Streets, Lincoln, Nebraska, on July 11, 2003, from 4:00 p.m. to 1:00 a.m., and on July 12, 2003, from noon to 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF HEIDELBERG SOUTH, INC. DBA HEIDELBERG'S SOUTH FOR A CLASS C LIQUOR LICENSE AT 1601 NORMANDY COURT - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82184 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Heidelberg South, Inc. dba "Heidelberg's South" for a Class "C" liquor license at 1601 Normandy Court, Lincoln, Nebraska, for

the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF LAWRENCE L. LIND FOR HEIDELBERG SOUTH, INC. DBA HEIDELBERG'S SOUTH AT 1601 NORMANDY COURT - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82185 WHEREAS, Heidelberg South, Inc. dba "Heidelberg's South" located at 1601 Normandy Court, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Lawrence L. Lind be named manager;

WHEREAS, Lawrence L. Lind appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Lawrence L. Lind be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

RENAMING "K-MART DRIVE" LOCATED EAST OFF OF NORTH 27TH STREET NEAR CORNHUSKER HIGHWAY AS "KNOX STREET"- CLERK read an ordinance, introduced by Annette McRoy, changing the name of K-Mart Drive to Knox Street located east off of North 27th Street near Cornhusker Highway, as recommended by the Street Name Committee, the second time.

APPROVING A FIVE YEAR/5,000 HOUR LEASE AGREEMENT WITH A BUY-OUT OPTION BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a five-year/5,000 hour lease agreement between the City of Lincoln, Nebraska and Caterpillar Financial Services Corporation for a 90 horse power class backhoe loader for use by the Public Works & Utilities Water Division, the second time.

APPROVING A FIVE YEAR/5,000 HOUR LEASE AGREEMENT WITH A BUY-OUT OPTION BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WASTEWATER/SOLID WASTE DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a five-year/5,000 hour lease agreement between the City of Lincoln, Nebraska and Caterpillar Financial Services Corporation for a 90 horse power class backhoe loader for use by the Public Works & Utilities Wastewater Division, the second time.

RESOLUTIONS

SPECIAL PERMIT 2014 - APPLICATION OF REGAL BUILDING SYSTEMS, INC. TO DEVELOP NORTHVIEW VILLAS COMMUNITY UNIT PLAN FOR 61 MULTI-FAMILY DWELLING UNITS IN 7 STRUCTURES, ON PROPERTY GENERALLY LOCATED AT NORTH 24TH STREET BETWEEN DODGE AND SUPERIOR STREETS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

WHEREAS, Regal Building Systems, Inc. has submitted an application designated as Special Permit No. 2014 for authority to construct Northview Villas Community Unit Plan consisting of 61 multi-family dwelling units in seven structures on property generally located at North 24th Street between Dodge and Superior Streets, and legally described to wit:

Lot 1, Block 1, Northview 4th Addition, and the vacated Timothy Court, all located in Section 12, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Regal Building Systems, Inc., hereinafter referred to as "Permittee", to develop Northview Villas Community Unit Plan consisting of 61 multi-family dwelling units in seven structures, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 61 dwelling units.
2. Before receiving building permits:
 - a. The Permittee must submit a revised an acceptable, reproducible final plan and six copies.
 - b. The construction plans must conform to the approved plans.
 - c. The Permittee must complete, or post a surety to guarantee the completion of, the public sidewalks, bike trail, landscaping screens, street trees, drainage facilities, private water, private sanitary sewer, and private storm sewer in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
 - d. Dedicate a pedestrian way easement over the bike trail.
 - e. The Permittee shall request that Special Permit 1820 be rescinded by Administrative Amendment.
3. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
5. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Patte Newman

Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Friendt, McRoy, Newman, Werner.

The resolution, having **LOST**, was assigned File #38-4445 & was placed on file in the Office of the City Clerk.

SPECIAL PERMIT 2005 - APPLICATION OF HARTLAND HOMES INC. TO DEVELOP BETTY'S HAVEN COMMUNITY UNIT PLAN FOR 23 DWELLING UNITS, WITH WAIVERS OF THE REQUIRED LOT WIDTH, LOT AREA, LOT DEPTH TO WIDTH RATIO, THE REQUIREMENT TO SUBMIT A PRELIMINARY PLAT, AND THAT FINAL PLATS ACCEPTING THE

DEDICATION OF PUBLIC STREETS AND PRIVATE ROADWAYS BE REVIEWED BY THE PLANNING COMMISSION, ON PROPERTY GENERALLY LOCATED AT W. SOUTH STREET AND S. CODDINGTON AVE. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82186 WHEREAS, Gene and Patricia Schmidt have submitted an application designated as Special Permit No. 2005 for authority to construct Betty's Haven Community Unit Plan consisting of 23 dwelling units, with waivers to the lot width, lot depth to width ratio, the requirement to submit a preliminary plat, and the requirements that final plats accepting the dedication of public streets and private roadways be reviewed by the Planning Commission, on property generally located at W. South Street and S. Coddington Ave. and legally described to wit:

Lot 131 I.T., in the Southwest Quarter of Section 33,
Township 10 North, Range 6 East of the 6th P.M.,
Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Gene and Patricia Schmidt, hereinafter referred to as "Permittee", to develop Betty's Haven Community Unit Plan consisting of 23 dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 23 dwelling units.
2. Grants authority to the Planning Director to approve an administrative final plat without a preliminary plat.
3. Grants authority to the Planning Director to approve an administrative final plat accepting the dedication of private roadways.
4. Administrative Final Plats will be approved by the Planning Director provided the Permittee has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
5. The Permittee shall enter into a signed Subdivision Agreement that binds the Subdivider, its successors and assigns, which shall provide as follows:

a. To submit a plan for approval of the Director of Public Works showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land.

b. To complete the private improvements shown on the Community Unit Plan.

c. To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

d. To continuously and regularly maintain the street trees along S. Coddington Avenue and W. South Street, the private roadways, and landscape screens.

e. To submit to the lot buyers and home builders a copy of the soil analysis.

f. To pay all improvement costs.

g. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

h. To protect the trees that are indicated to remain

during construction and development.

i. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

j. To relinquish the right of direct vehicular access to W. South Street and S. Coddington Avenue except as shown on the site plan.

k. To inform all purchasers and users that the land is located within the outer approach zone of the Airport Environs District and that all construction shall be in conformance with the airport zoning requirements and the aviation and noise easement and covenant agreement.

6. Before receiving building permits:

a. The Permittee must submit an acceptable, revised and reproducible final plan including six copies.

b. The construction plans must conform to the approved plans.

c. Administrative Final Plats must conform to the approved Community Unit Plan and be approved administratively by the Planning Director.

7. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans and the sidewalk along South Street has been constructed.

8. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

9. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

10. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

11. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

BE IT FURTHER RESOLVED that this permit approves the following modifications to the requirements of Title 26 of the Lincoln Municipal Code:

1. The required lot width is hereby waived.
2. The required lot area for single family dwellings is hereby waived.

3. The lot depth to width ratio is waived.
4. The Requirement to submit preliminary plat is revised as follows:

The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of § 26.31.015. A new

community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, Newman, Svoboda, Werner; NAYS: Cook, McRoy.

SETTING THE HEARING DATE OF MONDAY, JULY 14, 2003 AT 1:30 P.M. FOR APP. OF CARLOS O'KELLY'S, INC. DBA CARLOS O'KELLY'S MEXICAN CAFÉ FOR A CLASS I LIQUOR LICENSE LOCATED AT 3130 PINE LAKE RD. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82187 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 14, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Carlos O'Kelly's, Inc. dba Carlos O'Kelly's Mexican Café for a Class I Liquor License located at 3130 Pine Lake Rd.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JULY 21, 2003 AT 1:30 P.M. FOR MANAGER APP. OF SCOTT C. GWARTNEY FOR BRINKER RESTAURANT CORPORATION DBA ROMANO'S MACARONI GRILL LOCATED AT 6800 S. 27TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82188 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 21, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of Scott C. Gwartney for Brinker Restaurant Corporation dba Romano's Macaroni Grill located at 6800 S. 27th Steret.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON JUNE 30, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF JUNE 16 THROUGH JUNE 20, 2003 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82189 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Patte Newman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNED ON SHORT TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MAY, 2003 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82190 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended May 31, 2003, \$413,964.24 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER FOR TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF MAY, 2003: Sprint Communication Company Limited Partnership; McLeod

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USA Telecommunications Services, Inc.; Norstan Network Services, Inc.; MCI WorldCom Network Service, Inc.; D & D Communications, Inc.; Network Billing Systems, LLC; Sprint Spectrum, L.P.; United Systems Access Telecom; Intellicall Operator Services; Alltel Communications of Nebraska, Inc.; Alltel Systems of the Midwest, Inc.; Alltel Nebraska, Inc.; Bell Atlantic Communications, Inc.; Primus Telecommunications, Inc.; Qwest Communications, Corp.; ACN Communications Services, Inc.; Touch America; Verizon Select Services, Inc.; AT&T Comm. Of Midwest; Trans National Comm. International; Working Assets Funding Service; OnStar Corporation; Global Crossing Telecommunications, Inc.; Cricket Communications, Inc.; Virgin Mobile USA; Broadwing Telecommunications; and Nebraska Technology & Telecommunications, Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk.
(20)

ORDINANCES - 1ST READING

AMENDING CHAPTER 14.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOUSEMOVING TO ONLY REQUIRE A BUILDING PERMIT FOR HOUSEMOVING WITHIN THE CITY LIMITS, TO MODIFY REGISTRATION FEE PROVISIONS, TO INCREASE THE LIABILITY INSURANCE, TO INCREASE THE PERMIT FEE, TO ELIMINATE CERTAIN OTHER FEES, TO MODIFY PERMIT CONDITIONS OF APPROVAL, TO MODIFY PROVISIONS REQUIRING MOVED STRUCTURES TO COMPLY WITH THE BUILDING CODE, TO REQUIRE A DEMOLITION PERMIT, AND REMOVAL OF DEBRIS FROM THE PREMISES - CLERK read the following ordinance, introduced by Patte Newman, amending Chapter 14.36 of the Lincoln Municipal Code relating to Housemoving to only require a building permit for housemoving within the city limits, to modify registration fee provisions, to increase the liability insurance, to increase the permit fee, to eliminate certain other fees, to modify permit conditions of approval, to modify provisions requiring moved structures to comply with the building code, to require a demolition permit, and removal of debris from the premises, the first time.

RENAMING W. GARFIELD PLACE GENERALLY LOCATED AT S.W. 26TH STREET AND W. GARFIELD PLACE AS W. GARFIELD STREET - CLERK read the following ordinance, introduced by Patte Newman, renaming W. Garfield Place generally located at S.W. 26th Street and W. Garfield Place as W. Garfield Street, the first time.

ADOPTING THE CORPORATE LIMITS MAP DATED JULY 1, 2003 AS THE ESTABLISHED AND FIXED BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA - CLERK read the following ordinance, introduced by Patte Newman, adopting the corporate limits map dated July 1, 2003 as the established and fixed boundaries of the Corporate limits of the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 160 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND PINE LAKE ROAD - CLERK read the following resolution, introduced by Patte Newman, amending the Lincoln corporate limits map by annexing approximately 160 acres of property generally located northwest of the intersection of South 84th Street and Pine Lake Road, the first time.

DECLARING APPROXIMATELY 33.55 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND PINE LAKE ROAD AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read the following resolution, introduced by Patte Newman, declaring approximately 33.55 acres of property generally located northwest of the intersection of South 84th Street and Pine Lake Road as surplus and authorizing the sale thereof, the first time.

ORDINANCES - 3RD READING - NONE

CREATING ALLEY PAVING DISTRICT NO. 362 IN THE EAST/WEST ALLEY FROM 48TH TO 49TH STREETS BETWEEN LOWELL AND MEREDETH AND ASSESSING THE COSTS THEREOF

AGAINST THE BENEFITTED PROPERTIES - CLERK read the following ordinance, introduced by Glenn Friendt, creating Alley Paving District No. 362 in the east/west alley from 48th to 49th Streets between Lowell and Meredeth and assessing the costs thereof against the benefitted properties, the third time.

FRIENDT Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance being numbered **#18202** is recorded in Ordinance Book No.259, Page

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to July 14, 2003.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR THE INSTALLATION OF SANITARY SEWERS IN 1ST STREET, WATER MAINS IN 1ST STREET, STORM SEWERS IN 1ST AND 2ND STREETS, STREET PAVING IN 1ST AND 2ND STREETS, STREET TREES, AND SIDEWALKS ALONG 1ST AND 2ND STREETS, WITHIN THE PEOPLE'S CITY MISSION ADMINISTRATIVE FINAL PLAT GENERALLY LOCATED AT NORTH 2ND AND R STREETS - CLERK requested a motion to delay this item.

MCROY Moved to place Bill No. 03R-181 on pending until the Vacation Ordinance comes forward.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SVOBODA Moved to approve the resolutions to have Public Hearing on July 14, 2003.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SVOBODA Moved to approve the resolutions to have Joint City Council/County Commission Public Hearing on July 10, 2003 at 5:30 p.m.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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ADJOURNMENT

5:30 P.M.

SVOBODA Moved to adjourn the City Council meeting of July 7, 2003.
 Seconded by Friendt & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
 So ordered.

Joan E. Ross, CMC, City Clerk

Glenna Graupmann, Senior Office Assistant